

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HENRY CALVERT,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY

Case Number 12-15173  
Honorable David M. Lawson  
Magistrate Judge David R. Grand

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT, DENYING  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING THE  
ADMINISTRATIVE LAW JUDGE'S DECISION**

Presently before the Court is the report issued on August 30, 2013 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the Commissioner's motion for summary judgment, deny the plaintiff's motion for summary judgment, and affirm the Administrative Law Judge's ("ALJ") decision. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #11] is **ADOPTED**.

It is further **ORDERED** that Commissioner's motion for summary judgment [dkt. #10] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #9] is **DENIED**.

It is further **ORDERED** that the ALJ's decision is **AFFIRMED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: September 18, 2013

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 18, 2013.

s/Shawntel Jackson  
SHAWNTEL JACKSON